

# **EXHIBIT 22**

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August 18, 2023

**VIA ELECTRONIC MAIL**

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Roger L. McCleary  
Director & Shareholder  
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Re: *U.S. Bank, National Association, et al v. The Charitable Donor Advised Fund, L.P., et al*;  
Cause No.1:21-cv-11059 (GHW) in the United States District Court for the Southern  
District of New York.

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Dear Roger:

As you know, we represent Plaintiffs Acis Capital Management, L.P. (“ACM”) and Joshua N. Terry (“Mr. Terry” and together with ACM, “ACM Parties”) in the above-referenced matter and write in response to your August 11, 2023 letter requesting the supplemental production of documents in response to the DAF Parties’ First Request for Production.

For the reasons set out in U.S. Bank National Association’s letter, the ACM Parties also will not produce the requested documents.

The DAF Parties request (1) the “most recent” Daily Cash Files for each of Acis 4, Acis 5 and Acis 6, as well as (2) the CSV Excel files associated with the monthly reports prepared for the Acis CLOs by U.S. Bank. Except as already produced, these documents are not relevant to any claim or defense at issue in this case.

The ACM Parties produced trustee reports and Acis 6 daily cash files to the extent they were within their possession custody or control through March 30, 2023. The ACM Parties produced these documents in response to requests for production served by NexPoint because these documents are arguably relevant to NexPoint’s counterclaim concerning the management

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of Acis 6. NexPoint has not—and cannot—assert any claim in relation to Acis 4 or Acis 5. The DAF Parties have not asserted any claims concerning the management of any ACIS CLO in this case, nor could they, because they are not investors in the CLOs. The DAF Parties’ amended counterclaims concern the 2021 and 2023 Settlement Agreements and related allegations regarding alleged breaches of the HCLOF Members’ Agreement and alleged tortious interference in the HCLOF Members’ Agreement. These documents are not relevant to those pending counterclaims. In addition, the ACM Parties cannot produce the requested CSV files because they are not in their possession, custody, or control.

The DAF Parties’ request is, moreover, untimely. The ACM Parties objected to producing documents regarding the Acis CLO expenses and directed the DAF Parties to documents produced to NexPoint on May 15, 2023. The DAF Parties and ACM Parties held a meet and confer on May 24, 2023, during which the DAF Parties declined the ACM Parties’ and U.S. Bank’s offer to discuss Plaintiffs’ objections to the DAF Parties’ requests for production.

The ACM Parties stand on their objections provided in their responses and objections and decline to produce documents in response to the DAF Parties’ August 11, 2023 Letter.

Sincerely,

*/s/ Blair Adams*

Blair Adams

BA:MPT

cc: Counsel of Record